

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CADEAUX INVESTMENT
LLC,

Plaintiff,

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

Case No. 17-12453
Hon. Terrence G. Berg

ORDER DISMISSING CASE

Plaintiff, Cadeaux Investment LLC, is a limited liability company that initially brought suit in state court against Defendant State Farm Fire and Casualty Company claiming that Defendant failed to honor Plaintiff's claims on a fire insurance policy. Defendant removed the case to federal court on July 27, 2017. Notice of Removal, ECF No. 1. At that time, attorney Jo Robin Davis of the firm Jo Robin Davis, PLLC represented Plaintiff.

On November 12, 2018, Ms. Davis filed a Motion to Withdraw as counsel, citing a breakdown in the attorney-client relationship with Plaintiff. Mot. for Withdrawal, ECF No. 28. In a telephone conference with the parties on December 19, 2018, the Court

granted Plaintiff's Motion and gave Plaintiff 30 days to retain new counsel. Text-only Order docketed 12/20/2018.

On February 1, 2019, the Court conducted a telephone status conference with Defendant's counsel and Mr. Jeremiah Young, who is the principal of Plaintiff Cadeaux Investment, LLC. During that conference, Mr. Young indicated that he had contacted an attorney to represent Plaintiff but was not yet able to pay that attorney's retainer fee. The Court allowed Plaintiff an additional seven days to have his new attorney enter an appearance on its behalf.

No attorney has entered any appearance within the time frame required by the Court, and Plaintiff at present continues to be unrepresented.

"It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel." *180 East Broad Partners LLC v. Ohio Dept. of Taxation*, 193 F. Supp. 3d 1, 1–2 (D.D.C. 2014) (citations omitted). Furthermore, "the rationale for that rule applies equally to all artificial entities." *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 202 (1993). As a limited liability company, Plaintiff is an artificial entity that may not proceed pro se in this action.

Because Plaintiff cannot maintain a lawsuit without being represented by an attorney, the pending action will be dismissed without prejudice.

During the telephone conference held on February 1, 2019, Defendant indicated that its forensic examiner currently is in possession of Mr. Young's cell phone, which was produced for examination during the course of discovery. Defendant is hereby ordered to make arrangements for the return of Mr. Young's cell phone without delay.

For the foregoing reasons, the case is **DISMISSED WITHOUT PREJUDICE**. As a consequence of this dismissal, Defendant's Motion for Summary Judgment, ECF No. 27, is hereby **DENIED as MOOT**, without prejudice to its being re-filed should the case be filed again.

SO ORDERED.

/s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: February 21, 2019